

REMARKS

As an initial matter, Applicants would like to thank the Examiner for approving the Drawings submitted on September 9, 2003, for acknowledging Applicants' claim for foreign priority and receipt of the certified copy of the priority document, and for considering all of the documents included in the Information Disclosure Statements filed on December 12, 2003 and January 29, 2004.

Claims 1-4, 6-8 and 10 remain pending in the application. Claims 1-4, 6-8 and 10 have been amended, and claims 5 and 9 have been cancelled. Reconsideration of the rejection and allowance of the pending application in view of the following remarks are respectfully requested.

The present invention relates to a rod connector. The rod connector of the present invention includes, inter alia, a connector main body which is attached to a shank. The connector main body includes a recess which can engage part of a spherical end portion of the shank, with part of the spherical end portion extending outside of the recess in a direction towards the shank.

The connector main body of the rod connector of the present invention includes a rod supporting portion for supporting a rod, and a rod pressing member provided with a rod pressing portion. The rod supporting portion includes a recess for engaging the rod, and a recess for engaging the spherical end portion of the shank. The rod pressing

member also includes a recess for engaging the rod and a recess for engaging the spherical end portion of the shank.

In the Office Action of November 16, 2004, the Examiner rejected claims 3, 5 and 9 under 35 U.S.C. §112, 2nd paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner stated that certain claim recitations lacked prior antecedent basis. Applicants respectfully submit that this rejection has been overcome by the present amendment, and request withdrawal of the rejection.

In the Office Action, the Examiner also rejected claims 1-10 under 35 U.S.C. §102(b) as being anticipated by Wagenknecht (U.S. Patent No. 5,098,432). Applicants respectfully traverse the rejection for at least the following reasons.

Wagenknecht relates to a device for positioning and securing a part. The device includes an upper member 30 and a lower member 40. See Figure 1 and col. 3, lines 5-11. The device also includes a recess comprising a socket 35 and lateral relieved regions 37 and 38 formed in the upper member 30, and a socket 43 and lateral relieved regions 45 and 46 formed in the lower member 40. See Figure 3 and col. 3, lines 54-68. The upper member 30 and lower member 40 of the device grip a spherical sleeve 60, which includes a sphere 63. See Figures 1-3 and col. 4, lines 32-35. However, when the upper and lower members grip the spherical sleeve 60, the sphere 63 clearly does not extend outside of the

recess formed between the upper and lower members in a direction towards the sleeve (as can best be seen in Figures 1 and 3). Thus, in order to permit angular orientation of the spherical sleeve 60, the lateral relieved regions 37, 38, 45 and 46 must be cut out of the upper and lower members. See col. 3, lines 58-61.

One aspect in which Applicants' rod connector clearly differs from Wagenknecht's device is that when a spherical end portion 19 of a shank portion 3 engages with a recess in Applicants' rod connector, part of the spherical end portion 19 extends outside of the recess (as can best be seen in Figure 4). Thus, the shank portion may be freely oriented at various angles respective to the rod connector. Advantageously, it is thus unnecessary to cut lateral relieved regions out of the rod connector.

Therefore, Applicants respectfully submit that Wagenknecht fails to disclose a rod connector comprising a connector main body comprising a recess configured to engage part of a spherical end portion of a shank, where part of the spherical end portion extends outside of the recess in a direction towards the shank, as recited in claim 1. For at least this reason, the rejection of claim 1 under 35 U.S.C. §102(b) is improper, and withdrawal thereof is respectfully requested. Dependent claims 3, 4 and 6 are also submitted to be in condition for allowance at least in view of their dependence on claim 1.

Applicants also submit that the rejection of claim 2 is improper.

Wagenknecht's lower member 40 cooperates with a shackle 50 to clamp onto an

arcuate element 70. See Figure 1 and col. 3, lines 5-11. Further, as noted above, the lower member 40 cooperates with the upper member 30 to grip the spherical sleeve 60. However, the upper member does not include a recess for engaging the arcuate element 70. See Figures 1-3.

Another aspect in which Applicants' rod connector differs from Wagenknecht's device is that Applicants' rod connector includes a rod supporting portion which includes a recess for engaging a rod and a recess for engaging a spherical end portion of a shaft, and a rod pressing member which also includes a recess for engaging the rod and a recess for engaging the spherical end portion.

Therefore, Applicants respectfully submit that Wagenknecht fails to disclose a rod connector comprising both a rod supporting portion comprising a recess for engaging a rod and a recess for engaging a spherical end portion of a shaft, and a rod pressing member also comprising a recess for engaging the rod and a recess for engaging the spherical end portion of the shaft, as recited in claim 2. For at least this reason, the rejection of claim 2 under 35 U.S.C. §102(b) is improper, and withdrawal thereof is respectfully requested. Dependent claims 7, 8 and 10 are also submitted to be in condition for allowance at least in view of their dependence on claim 2.

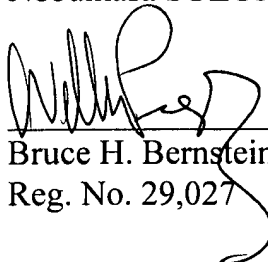
Based on the above, it is respectfully submitted that this application is now in condition for allowance, and a Notice of Allowance is respectfully requested.

SUMMARY AND CONCLUSION

Entry and consideration of the present amendment, reconsideration of the outstanding Office Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate. Applicants have made a sincere effort to place the present invention in condition for allowance and believe that they have now done so.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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